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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 3:25-cv-1780-WHA

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONEL
MANAGEMENT, *et al.*,

Defendants.

**DECLARATION OF MICHAEL A.
COGAR IN COMPLIANCE WITH
SEPTEMBER 12, 2025 ORDER ON CROSS-
MOTIONS FOR SUMMARY JUDGMENT**

1 I, Michael A. Cogar declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am the Deputy Assistant Secretary of Defense for Civilian Personnel Policy at
3 the Department of Defense (“DoD” or the “Department”), headquartered in Washington, D.C. I
4 have served in this position since May 19, 2025.

5 2. In my current role at the Department, I am responsible for civilian personnel
6 matters. In this capacity, I serve as the DoD Chief Human Capital Officer (“CHCO”), and am
7 responsible for tracking and recording personnel actions, including terminations. I assist in
8 ensuring that all personnel actions comply with Federal law, including those related to
9 probationary employees.

10 3. Consistent with paragraph 5 of page 37 of the Court’s September 12, 2025, Order
11 on Cross-Motions for Summary Judgment, the Department has issued individually-addressed
12 corrective notices to each probationary employee at issue in this litigation advising them that the
13 termination notice they received, which has since been rescinded, “was not performance or
14 conduct based.” As further ordered, the corrective notices do not contain further statements from
15 the Department concerning the validity of this Court’s ruling or the Department’s opinions on
16 this Court’s ruling. An example of such notice is being filed contemporaneously with this
17 declaration.

18 4. Consistent with paragraph 3 of page 37 of the Court’s September 12, 2025, Order
19 on Cross-Motions for Summary Judgment, the Department has updated personnel files, including
20 SF-50s for each probationary employee at issue in this litigation to reflect that their termination
21 “was not performance or conduct based.”

22 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
23 and correct.

24 Dated: November 19, 2025

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Declaration of Michael A. Cogar in Compliance with September 12, 2025 Order on Cross-Motions for Summary Judgment.
3:25-cv-1780-WHA

Michael A. Cogar
Deputy Assistant Secretary of Defense for Civilian
Personnel Policy
U.S. Department of Defense

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Declaration of Michael A. Cogar in Compliance with September 12, 2025 Order on Cross-Motions for Summary Judgment.
3:25-cv-1780-WHA

Warfighting Acquisition University
9820 Belvoir Rd. Fort Belvoir, VA 22060

November 14, 2025

[REDACTED]
[REDACTED]
Dear [REDACTED],

This corrective notice is provided to you pursuant to an order issued on September 12, 2025, by the United States District Court for the Northern District of California in the case *American Federation of Government Employees v. U.S. Office of Personnel Management*, No. 3:25-cv-1780-WHA (N.D. Cal.).

As required by Paragraph 5 of the district court's order, the Warfighting Acquisition University informs you that the termination notice you received, which has since been rescinded, was not based on your personal performance.

As required by Paragraph 3 of that order, the Warfighting Acquisition University has confirmed that your personnel file, including your SF-50, does not include your termination notice or has been updated to reflect that your termination was not performance or conduct based.

Your Notice of Termination During Probationary Period dated March 12, 2025, remains cancelled. If you have since resigned or left the agency, this notice is still applicable to you and your personnel file.

Sincerely,

[REDACTED]

[REDACTED]

Human Resources Director
Warfighting Acquisition University (WAU)